

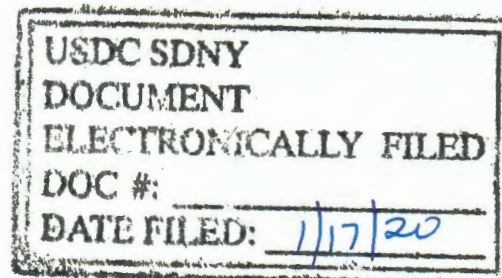


U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 10, 2020



**BY ECF**

The Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. David Smith*, 07 Cr. 453 (SHS)

**MEMO ENDORSED**

Dear Judge Stein:

The Government respectfully submits this letter to provide the Court an update on the status of discovery in this case and to request, on consent, the exclusion of time from today's date until January 31, 2020.

As the Court is aware from the November 22 conference and the Government's letter to Your Honor dated December 16, 2019, the Government has produced or made available substantial discovery. Since December 16, the Government has produced or made available additional discovery, as set forth below.

**A. Electronic Materials**

On January 7, 2020, the Government produced a drive containing the contents of three electronic databases. Collectively, the databases contained over 15,000 files. During the next week, the Government expects to produce additional databases, including a database containing approximately 415,000 files produced to the Government by Ernst & Young LLP. The Government has identified other databases, large and small, and continues to work on producing those databases on a rolling basis. Since our last letter, we have located hard drives containing certain of these databases, which will make their production relatively straightforward. In other instances, production continues to require reconstructing the database from our data archive, which is significantly more involved.

On January 8 and January 10, 2020, the Government produced an additional roughly 50,000 pages of electronic materials. Included among these materials were reports and notes memorializing statements made by the defendant, extradition-related materials, and other documents of particular relevance to the defendant.

### B. Hard Copy Materials

The Government has received all 785 boxes of materials requested from the Government's storage facility in Missouri. The Government, assisted by agents from the IRS, continues to review the boxes, some of which contain discovery. As stated in our last letter, on December 16, 2019, the Government advised defense counsel that approximately 94 boxes containing discovery are available for inspection and review. On January 8, 2020, the Government advised defense counsel that an additional approximately 65 boxes containing discovery are similarly available. The Government will continue to make additional boxes of discovery available as they are identified.

### C. Extradition Materials

The Government produced certain extradition-related materials to the defendant on September 23, 2019, and, as noted above, produced additional such materials on January 8, 2020. The Government has requested all potentially discoverable materials related to the defendant's extradition from the Department of Justice's Office of International Affairs ("OIA"). The Government has received certain of these materials from OIA and expects to continue to receive such materials over the next week or so. The Government will continue to review these materials as they are received and produce any discoverable materials.

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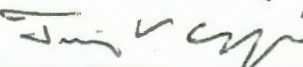
The Government continues to work toward completing discovery by the deadline set by the Court of January 31, 2020, and proposes that it submit another status update to the Court on or before that date. If the Government learns of any issue with meeting that deadline, it will promptly notify the Court.

The Government respectfully requests that the Court exclude the time between today and January 31, 2020, pursuant to the Speedy Trial Act. The ends of justice served by granting such an exclusion outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). An exclusion is warranted in order for the Government to continue producing discovery so that the defense can continue review of that discovery and contemplate any appropriate motions. Defense counsel consents to this request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

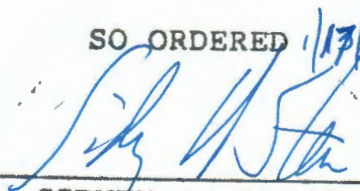
by:



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cc: Defense counsel listed on ECF

SO ORDERED

  
SIDNEY H. STEIN  
U.S.D.J.